

TOWN OF DAVIE  
**DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING AND ZONING DIVISION**  
PLANNING REPORT

May 27, 1999

**SUBJECT:** Rezoning ZB 4-3-99

**APPLICANT:** Town of Davie, petitioner/owner

**ADDRESS/LOCATION:** 1220 SW 133 Avenue / Generally located on the west side of SW 133 Avenue approximately 700 feet north of SW 14 Street

**LAND USE PLAN/ZONING:** Residential (1 du/ac) / A-1

**REQUEST:** From: A-1, Agricultural District, Section 12-32, et al  
To: CF, Community Facility District, Section 12-32, et al

**EXHIBITS TO BE INCLUDED:** Rezoning application, subject site map, planning report, and aerial.

**ANALYSIS:** The subject site is 4.5 acres in area and is currently utilized for ancillary recreational activities by the Broward County School Board. The site is bound by public elementary school and public high school use zoned CF to the north and west, and single family homes, on acreage, to the east and south zoned A-1. The site is currently subject to a lease agreement between the Town and Broward County School Board for recreational purposes and a sub-lease between the Town and Boys & Girls Clubs of Broward County.

The petitioner requests rezoning of the site to facilitate development of a Boys & Girls Club on the eastern portion of the site together with playground areas, football, soccer and baseball fields on the western portion of the site. The Boys & Girls Club of Broward County offers programs and services to children in the Community to foster leadership, responsibility, and respect in a safe and nurturing environment.

The review of a rezoning request should include consideration of the criteria noted in Section 12-307 of the Land Development Code which is attached hereto and made a part hereof.

Policy 17-1 and 17-3 provides that lands designated for non-residential uses shall be located in a manner which facilitates development but does not adversely impact existing and designated residential areas and that all development proposals shall be reviewed for compatibility with adjacent existing and planned uses.

The requested rezoning will allow for expansion of the community facilities in the western areas of the Town by providing for cultural, social, and recreational opportunities and activities. The proposed facility will result in great benefit to the citizens of the Town

and of the County and, therefore, is in the public interest. The requested rezoning is compatible with existing and planned adjacent uses and should not be a deterrent to the improvement or development of surrounding properties in accordance with existing regulations.

**RECOMMENDATION:** The Planning and Zoning Division recommends **APPROVAL** of the requested rezoning, with a finding that the request is consistent with Comprehensive Plan policies and is in harmony with the general intent and purpose of the Code.

**PLANNING AND ZONING BOARD RECOMMENDATION:** Motion to recommend **APPROVAL** (4-0), May 26, 1999.

**TOWN OF DAVIE  
CODE OF ORDINANCES  
(EXCERPT)**

Section 12-307. Review for rezonings.

- (a) The proposed change is contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (b) The proposed change would create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;
- (c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
- (d) The proposed change will adversely affect living conditions in the neighborhood;
- (e) The proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;
- (f) The proposed change will adversely affect other property values;
- (g) The proposed change will be a deterrent to the improvement or development of other property in accord with existing regulations;
- (h) The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;
- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.
- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

EXISTING ZONING: A1  
CODE SECTION:

PROPOSED ZONING: CF  
CODE SECTION:

LAND USE DESIGNATION: Residential (5 du/ac)

FOLIO NUMBER 504011-01-032-1

TOWN OF DAVIE USE ONLY	
PETITION NO.	ZB 4-3-99
FEE.	N/A
RECEIPT NO.	N/A

TOWN OF DAVIE  
REZONING APPLICATION

(NOTE: INFORMATION MUST BE TYPED AND NOTARIZED)  
Make Checks payable to Town of Davie

DATE FILED: 4/21/99

PHONE:

PETITIONER: Town of Davie

MAILING ADDRESS: 6591 Orange Dr., Davie, FL 33314

RELATIONSHIP TO PROPERTY:

OWNER: Broward County School Board

MAILING ADDRESS: 600 SE 3rd Avenue, Ft. Lauderdale, FL 33301

ADDRESS OF PROPERTY: 1220 SW 133 Avenue

LEGAL DESCRIPTION: (Certified Sealed Boundary Survey to include statement of amount of acreage involved MUST be submitted with application):

TR 38 West 593.85', Florida Fruitlands Co. Sub.

ACREAGE: 4.50 AC

REQUEST:

REASON FOR REQUEST (attach additional sheet as necessary):

\*\*\* PETITIONER MUST BE PRESENT IN ORDER FOR ACTION TO BE TAKEN \*\*\*

OFFICE USE ONLY

APPROVED AS TO FORM: \_\_\_\_\_ PUBLICATION DATE: 5/5/99

MEETING DATE: PLANNING AND ZONING BOARD: 5/12/99 TOWN COUNCIL: 6/2/99

NOTICES SENT: \_\_\_\_\_ REPLIES: FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_

UNDELIVERABLE: \_\_\_\_\_

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

600 SOUTHEAST THIRD AVENUE, 14th FL. • FORT LAUDERDALE, FLORIDA 33301-3125 • TEL 954-765-6285 • FAX 954-765-6349

Property Management & Site Acquisition Department  
*Lee A. Stepanchak, Director***SCHOOL BOARD***Chairperson*  
*Vice Chairperson*LEHS WEXLER  
DARLA L. CARTER  
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PAUL D. EICHNER, ESQ.  
STEPHANIE ARMA KRAFT, ESQ.  
MIRIAM M. GLEPHANT  
DR. ROBERT D. PARKS  
DIANA WASSERMANDOROTHY J. ORR, Ed.D.  
*Interim Superintendent of Schools*

May 6, 1999

Mark Kutney, Director  
Development Services  
Town of Davie  
6951 Orange Drive  
Davie, FL 33314**SUBJECT: REZONING PETITION - ZB 4-3-99, FROM A-1 - TO- CF**

Dear Mr. Kutney:

The School Board of Broward County is the owner of the above referenced property. On February 2, 1999, The School Board approved a land lease to the Town of Davie ostensibly to allow for the construction of the Boys and Girls Community Facility. As such, the rezoning from the current A-1 Agricultural District to CF Community Facility is consistent with the intent of the parties and is recommended for approval by School Board Staff.

If you need further information, please call me at 765-7040.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles F. Fink".

Charles F. Fink, Manager I  
Planning, Real Estate and Environmental Permitting

CFF:gs

cc: Lee A. Stepanchak, Director, Property Management & Site Acquisition  
Department  
Ms. Kathleen Morris, Principal, Flamingo Elementary School  
Mr. David Hughes, Boys and Girls Club  
Ms. Merrie Meyers-Kershaw, Director Of Partnerships  
Ms. Claudia Munroe, Facility Manager, Facilities Department

MARK A. KUTNEY  
OWNER'S NAME(S)  
Mark A Kutney  
OWNER'S SIGNATURE (ALL OWNERS MUST SIGN)  
1/0 Town of Davie  
6591 Orange Drive  
ADDRESS  
Davie, FL 33324  
CITY, STATE, ZIP  
954/797-1101  
PHONE

MARK A. KUTNEY  
PETITIONER'S NAME  
Mark A Kutney  
PETITIONER'S SIGNATURE  
1/0 TOWN OF DAVIE  
6591 ORANGE DRIVE  
ADDRESS  
DAVIE, FL 33324  
CITY, STATE, ZIP  
954/797-1101  
PHONE

The foregoing instrument was acknowledged before me  
this 30 day of April, 19 99, by  
MARK A. Kutney who is personally  
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Joan A. Tuliszewski  
Print: JOAN A. TULISZEWSKI  
My Commission Expires: COMMISSION NO. CC91039  
MY COMMISSION EXP. OCT. 23, 2000

The foregoing instrument was acknowledged before me  
this 30 day of April, 19 99, by  
MARK A. Kutney who is personally  
known to me or who has produced

as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Joan A. Tuliszewski  
Print: JOAN A. TULISZEWSKI  
My Commission Expires: COMMISSION NO. CC91039  
MY COMMISSION EXP. OCT. 23, 2000

OFFICE USE ONLY



